

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:	BANKIEWICZ et al.	Group Art Unit: Unassigned
Serial No.:	09/887,854	
Filing Date:	June 21, 2001	
Title:	METHODS OF TREATING CENTRAL NERVOUS SYSTEM DISORDERS USING VIRAL VECTORS	
Examiner:	Unassigned	

**PETITION TO MAKE SPECIAL UNDER MPEP 708.02, XII
(SPECIAL STATUS FOR APPLICATION RELATING TO
BIOTECHNOLOGY FILED BY APPLICANTS
WHO ARE SMALL ENTITIES)**

Assistant Commissioner for Patents
Washington, D.C. 20231

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Sir:

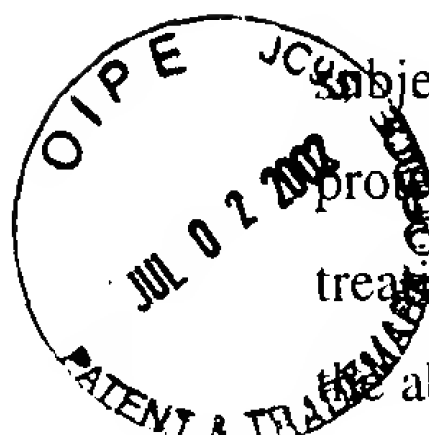
- 1) I am Vice President for Business Development and Intellectual Property of AVIGEN, Inc. On behalf of AVIGEN, I hereby request that special status be granted to the above-reference application. This request fully complies with the requirements of M.P.E.P. 708.02(XII).
- 2) The status of AVIGEN, Inc. as a small entity has already been established. A Verified Statement establishing small entity is attached at Tab 1.
- 3) The patent application entitled "Methods of Treating Central Nervous System Disorders Using Viral Vectors" encompasses the technology of one of Avigen's top research and development programs. Avigen considers the invention to be a major asset of the company; it has invested significant time and effort in developing the technology; and it has plans to file an IND in order to move this program into clinical trials in the near future. Thus, the subject matter of the application at issue is a major asset to AVIGEN, Inc.

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- 4) I believe that the ability to raise money for the development of methods involving viral vectors that are widely distributed across the brain of a subject to which they are administered and in which the therapeutic protein carried by the vector is expressed at levels that are effective in treating CNS disorders will be significantly impaired if the examination of the above-identified patent application is delayed. Research in this area is expensive and funding difficult to obtain. Indeed, the ability to raise money to fund research is often (albeit, unfortunately) predicated on the speedy examination and issuance of a U.S. Patent. Accordingly, if examination is delayed the development of this promising new technology will be significantly impaired.



Dated: June 24, 2002


Kenneth G. Chahine

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